

EASTERN STATES
Bureau of Land Management
Decision Record
Environmental Assessment
ES-020-2012-25 and ES-020-2012-61

Introduction

The proposed action is to issue leases for two (2) parcels for potential oil and gas development within Pope and Logan counties, Arkansas. The parcels cover approximately 139.86 acres of federal minerals administered by the Bureau of Land management (BLM). The BLM will offer the parcels for sale at the October 21, 2015, BLM New Mexico Competitive Oil and Gas Lease Sale. The proposed action is analyzed in the Southeastern States District Office EA: ES-020-2012-25 and ES-020-2012-61.

The purpose of the proposed action is to support the essential development of oil and natural gas to meet the nation's future needs for energy. Continued sale and issuance of lease parcels is needed to maintain options for production as oil and gas companies seek new areas for production or attempt to develop previously inaccessible or uneconomical reserves. Private exploration and development of federal oil and gas reserves are integral to the BLM oil and gas leasing programs under the authority of the Mineral Leasing Act (MLA) of 1920, as amended, the MLA for Acquired Lands of 1947, as amended, the Federal Land Policy and management Act (FLPMA) of 1976 and the Energy Policy Act of 2005. The oil and gas leasing program managed by the BLM encourages the sustainable development of domestic oil and gas reserves and reduction of United States dependence on foreign source of energy as part of its multiple-use and sustainable yield mandate.

Decision

As a result of the analysis presented in the EA, it is my decision to select the proposed action as described above. A Finding of No Significant Impact (FONSI) supports this decision and has been prepared separately. The proposed action coupled with lease stipulations, best management practices, and lease notices detailed in the EA and attached to this Decision Record have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of public lands and resources would not result from implementation of the proposed action. A no action alternative was considered, in which leases would not be issued; however, this alternative was not selected because it does not meet the purpose of and need for the proposed action.

Plan Conformance and Consistency

I have determined that the proposed action is consistent with the applicable plans and policies of county, state, tribal, and federal agencies. The proposed action is not covered by a BLM Resource Management Plan, and thus, in accordance with 43 CFR §1610.8(b)(1) the leasing EA serves as the basis for this decision.

Compliance with Major Laws

The proposed decision complies with all applicable laws, regulations, executive orders, and policies including but not limited to the following:

- National Environmental Policy Act (1969) and the associated Council on Environmental Quality regulations at 43 CFR Parts 1500-1508
- Federal Land Policy Management Act (1976) as amended and the associated regulations at 43 CFR Part 1600
- Mineral Leasing Act (1920) as amended and the associated regulations at 43 CFR Part 3100
- Clean Water Act (1977)
- Clean Air Act (1970) as amended
- National Historic Preservation Act (NHPA) (1966) as amended and the associated regulations at 36 CFR Part 800
- Endangered Species Act (ESA) (1973) as amended
- Migratory Bird Treaty Act (1918)
- Resource Conservation and Recovery Act (RCRA) (1976) as amended
- Executive Order 11988- Floodplain Management
- Executive Order 119900 – Protection of Wetlands
- Executive Order 12898 – Environmental Justice in Minority Populations and Low-Income Populations
- Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews (BLM WO IM 2010-117)

Public Comments

On May 18, 2015, the BLM posted EA ES-020-2012-25 and ES-020-2012-61. No public comment was received as of the June 17, 2015 comment deadline. On July 22, 2015, the BLM the October 2015 sale notice for public review for two parcels located in Arkansas. No protest was received as of the August 21, 2015 protest deadline.

Consultation and Coordination

The BLM initiated informal consultation with the United States Fish and Wildlife Service (FWS) was on January 16, 2015 in compliance with the Endangered Species Act (ESA), Section 7 consultation requirements. The FWS provided a letter of concurrence on March 2, 2015. A request was submitted to the Arkansas Natural Heritage Commission (ANHC) on January 16, 2015 to review their files for records indicating the occurrence of rare plants and animals, outstanding natural communities, natural or scenic rivers, or other elements of special concern within or near the proposed parcels. A response was received on January 30, 2015. Consultation with the Arkansas State Historic Preservation Office (SHPO) occurred on January 5, 2012 (EOI #1552) and January 13, 2014 (EOI #1561) notifying them of the proposed action and requesting comments or concerns. Comments were received from tribes on January 25, 2012 and February 13, 2012 (EOI #1552) and February 19, 2014 (EOI #1561). All consultation letters are included in Appendix C of the EA.

Rationale for the Decision

The decision to approve the preferred alternative, offering the parcels for competitive sale and lease, is based on the following:

- National policy – it is the policy of BLM as derived from the Mineral Leasing Act of 1920, as amended and the Federal Land Policy Management Act of 1976, to encourage development of mineral resources to meet national, regional, and local needs. As such, leasing the parcels under the preferred alternative meets the purpose of and need for action.


- Agency statutory requirements – the decision is consistent with all required federal, state, and county regulations and policies for implementation of the proposed action.
- Relevant resource issues and finding of no significant impact – as described in the EA, there would be no direct impacts associated with leasing. There is the potential for minor adverse impacts to resources as a result of potential future oil and gas development, however, none of the potential direct, indirect, or cumulative impacts were identified as significant and a FONSI was prepared. Additional site-specific NEPA documentation would be completed at the application for permit to drill (APD) stage, should future oil and gas development occur. Therefore, an environmental impact statement is not required. All required consultation for offering parcels under ESA and NHPA, have been completed.
- Application of measures to minimize environmental impacts – standard terms and conditions as well as best management practices and tailored stipulations, as identified in the EA would apply.

Appeal Procedures

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Attn: Authorized Officer, BLM Eastern States Office, 20 M Street, SE, Washington, DC 20003) within 30 days from your receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision, to the Interior Board of Land Appeals, and to the appropriate Office of the Solicitor (see 43 CFR Section 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the protestor's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Acty for 
 Elena Fink
 Deputy State Director
 Natural Resources

10/20/15
 Date